



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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SOLID AND HAZARDOUS
WASTE DIVISION

APR 20 2011

April 14, 2010

Ms. Paige Smith
Department of Environmental Quality
Solid and Hazardous Waste Division
Environmental Program Principal
Herschler Bldg., 4 W
122 West 25th St.
Cheyenne, WY 82002

Ref: Memorandum of Agreement Between The State of Wyoming DEQ and Region 8 EPA

Dear Paige,

Enclosed is the signed original of the final MOA between WDEQ and EPA for the administration of the RCRA hazardous waste program. Thanks for your patience and persistence in this process.

Sincerely,

A handwritten signature in blue ink, appearing to read "Christina Cosentini".

Christina Cosentini, P.E.
Environmental Engineer
Region 8 Solid and Hazardous Waste

MEMORANDUM OF AGREEMENT
BETWEEN
THE STATE OF WYOMING
DEPARTMENT OF ENVIRONMENTAL QUALITY
AND

SOLID AND HAZARDOUS
WASTE DIVISION

APR 20 2011

THE REGION 8 OFFICE OF
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
FOR ADMINISTRATION OF THE RCRA HAZARDOUS WASTE PROGRAM

I. PURPOSE AND SCOPE

This Memorandum of Agreement (Agreement) is entered into by the Wyoming Department of Environmental Quality (the Department) and the U.S. Environmental Protection Agency, Region 8 (EPA) to establish responsibilities and procedures for the administration of the Hazardous Waste Program (Program) in Wyoming. The Department has been authorized to administer the Program under Section 3006 of the Resource Conservation and Recovery Act (RCRA) of 1976 (42 U.S.C. 6901 et seq.), as amended (Public Laws 94-580, 96-482, 98-616), and this Agreement has been developed pursuant to 40 CFR. 271.8 to address the full range of Program activities. (For purposes of this Agreement, references to "RCRA" include the Hazardous and Solid Waste Amendments of 1984 (HSWA) (P.L. 98-616).)

More specifically, this Agreement sets forth the manner in which the Solid and Hazardous Waste Division (Division) of the Department and EPA will coordinate and communicate in the Division's administration and enforcement of the federally authorized Wyoming Program, and in EPA's administration and enforcement of the provisions of the HSWA for which the state is not yet authorized. Nothing herein is intended to create or does create any rights, obligations, responsibilities, expectations, or benefits in any third parties. This Agreement addresses the full scope of the RCRA Program, including these elements:

- Hazardous Waste Minimization - minimizing the generation of hazardous wastes;
- Permitting Program - safely managing wastes with appropriate controls;
- Corrective Action - cleaning up sites where releases have occurred; and,
- Compliance Assurance - compliance assistance, inspections and enforcement.

The signatories to this Agreement are the Director of the Wyoming Department of Environmental Quality (Director), the Administrator of the Solid and Hazardous Waste Division (Division Administrator), the Regional Administrator, EPA, Region 8 (Regional Administrator), and the Directors of the EPA, Region 8, Solid & Hazardous Waste Program and RCRA Technical Enforcement Program. This Agreement shall become effective on the date when signed by the last party to the Agreement. The Agreement supersedes all previous RCRA MOAs.

The parties will review the Agreement jointly at least once a year. This Agreement may be modified upon the initiative of either party for any purpose mutually agreed upon. Disputes regarding modification or implementation of this Agreement shall be promptly elevated within each organization. Any revisions or modifications to this Agreement must be in writing and must be signed by the parties to this Agreement. This Agreement will be effective for as long as the Division's Program authorization remains in effect.

II. ROLES, RESPONSIBILITIES, AUTHORITIES

Each of the parties to this Agreement is responsible for ensuring that its obligations under RCRA are met. Nothing in this Agreement shall be construed to restrict in any way the Division's authority to fulfill its responsibilities under federal and Wyoming law. Nothing in this Agreement shall be construed to restrict in any way EPA's authority to fulfill its program administration, enforcement and oversight responsibilities under RCRA. Nothing in this Agreement may override any provision of 40 CFR Part 271. This agreement shall not be construed as a waiver, release, or limitation of any rights, remedies, powers, and/or authorities which EPA has under its criminal statutory, regulatory, or common law authority of the United States.

A. STATE

The Division assumes primary responsibility for implementing the authorized provisions of the RCRA Program and the authorized provisions of HSWA within Wyoming's borders, except in Indian country (as defined at 18 U.S.C. 1151). Under Section 3006(b) of RCRA, once authorization takes place, state regulations replace federal regulations as the controlling body of regulations for administration of the Program in that state.

The Division agrees to implement the RCRA Program in a manner that ensures the statutory and regulatory requirements of RCRA are met. When the Division develops its own regulations, policies, and guidance related to RCRA, it will consult with EPA to ensure that the Division's Programs meet the statutory and regulatory requirements of the federal RCRA Program.

B. EPA

EPA retains its authority to ensure full and faithful execution of the requirements of the Program, including implementation of any HSWA requirements for which the Division is not authorized and full implementation of the Program in Indian country. EPA has the authority to bring its own enforcement action, but must enforce the federally authorized state regulations for violations of the authorized Program. EPA also oversees implementation of the authorized Program by the Division to ensure adequate implementation of the authorized Program and appropriate expenditure of federal grant funds. In this oversight role, EPA will evaluate state program implementation against federal program statutory and regulatory

requirements, as well as, considering policies and guidance to ensure consistency with the national program. Sections VII and IX of this Agreement present more detail on the oversight process.

EPA agrees to consult with the Division when developing regional policies and guidance that affect the authorized Program.

C. OVERLAPPING AND MUTUALLY EXCLUSIVE AUTHORITIES

Under Section 3006(g) of RCRA, hazardous waste requirements and prohibitions promulgated pursuant to HSWA are immediately applicable in all states, and EPA retains primary authority to administer these requirements in each state until that state receives authorization to implement those HSWA provisions. The State of Wyoming has independent state statutory authority to promulgate and enforce regulations.

As a result, the agencies' authorities governing a facility may overlap or be mutually exclusive. Where that happens, the Division and EPA agree that their staffs will cooperate to ensure effective and efficient Program implementation. Specific roles and activities may be determined on a case-by-case basis.

D. OTHER FEDERAL LAWS THAT MAY APPLY

EPA retains responsibility for administration and enforcement of other federal laws that may apply to the implementation of the Program, particularly to the issuance of permits (see 40 CFR. 270.3). EPA and the Division agree to coordinate to the greatest degree possible on any permit actions to which the following laws may apply: The Wild and Scenic Rivers Act, 16 U.S.C. 1273, et seq.; the National Historic Preservation Act of 1966, 16 U.S.C. 470, et seq.; the Endangered Species Act of 1966, 16 U.S.C. 1531, et seq. (including the consultation provision of section 7); the Coastal Zone Management Act, 16 U.S.C. 1451, et seq.; and the Fish and Wildlife Coordination Act, 16 U.S.C. 661 et seq.

The Division agrees, as resources allow, to assist EPA in identifying potential conflicts regarding federal requirements of the Acts listed above, and to help EPA fulfill its obligations, if any, during Program implementation.

The Division has entered into Memoranda of Understanding with the Wyoming State Historic Preservation Office and the U.S. Fish and Wildlife Service regarding how the Division will inform these agencies of permitting decisions and respond to comments, questions, or concerns during the permitting process. The Division through these memoranda will attempt to resolve concerns raised under the National Historic Preservation Act of 1966, 16 U.S.C. 470, et seq. and the Endangered Species Act of 1966, 16 U.S. 1531, et seq.

E. PROCEDURAL REQUIREMENTS

Some federal regulatory requirements are intended for the state's action only and are considered procedural in nature. Since these requirements do not affect the regulated community, the State of Wyoming is not required to adopt them into state regulations. These descriptions must remain in this Agreement unless the State of Wyoming adopts these procedures into state regulations. The only procedural requirement that hasn't been adopted by Wyoming is as follows:

Pursuant to Chapter 3, Section 1(g)(v) of the Wyoming Hazardous Waste Rules and Regulations, DEQ does not send a copy of the permit application to various individuals or organizations. Instead the permit application is available for review at the nearest information repository and at the DEQ office. Copies will be provided upon request.

III. PROGRAM MANAGEMENT

The Division and EPA agree to a joint strategic planning process to ensure that the Program is administered in an effective manner. This process will include development and consideration of state, regional, and national Program goals and objectives. The goals and objectives will be based upon the Division's priorities and experiences in administering the Program, EPA Region 8 priorities, and any applicable national guidance, policies, and regulations. The goals and objectives will serve to identify those activities which should receive the highest priority in administering the Program in the State of Wyoming, and these will be presented in the Performance Partnership Agreement (PPA).

The agencies will also develop criteria or standards as needed to document achievement of Program goals. These criteria will form the basis for oversight of the Program by EPA (see Section IX).

IV. HAZARDOUS WASTE MINIMIZATION

Hazardous Waste Minimization is the "strategy of first choice" for managing hazardous wastes, emphasizing that wastes that are not generated in the first place do not need to be managed safely or cleaned up after releases. Under this strategy, the agencies will emphasize source reduction and recycling to reduce waste and prevent transfers of hazardous chemicals from one medium to another.

More specifically, the national RCRA Program focuses on the most persistent, bio-accumulative, and toxic (PBT) chemicals, and has developed a list of priority chemicals found in hazardous waste streams. The national RCRA Program has also established the goal of reducing one million pounds of priority chemicals nationally each year through partnership initiatives and product alternatives. EPA and DEQ acknowledge that there are no regulatory requirements for States or RCRA handlers to achieve specific priority chemical reductions. There are, however, requirements for large quantity generators and treatment, storage, and disposal facilities to have a waste minimization plan.

To promote this goal, EPA agrees to provide the Division with technical assistance in identifying chemicals, waste streams, industry sectors, and specific facilities where opportunities are greatest to achieve reductions in priority chemicals. The Division agrees to make use of this information as appropriate and to focus waste minimization resources, when possible, in ways that support the achievement of the national goals.

V. PERMITTING, CLOSURE, POST-CLOSURE

The "permitting Program" in RCRA includes the closure and post-closure functions for treatment, storage, and disposal facilities (TSDFs) that are ceasing operations, and the operating permit function for TSDFs that are continuing to operate.

A. STATE PERMITTING

Because it is authorized under RCRA, the Division has the primary role in issuing, modifying and/or reissuing all permits, and in approving and verifying all closure or post-closure activities in accordance with Program requirements. The Division agrees to focus resources on issuing permits or other approved controls for those TSDFs identified on the 2005 GPRA Permitting baseline as needing such controls.

The Division will review all hazardous waste permits which were issued under state law prior to the effective date of any newly authorized permit requirements and will modify, or revoke and reissue, any permits which do not meet the new permit requirements.

The Division will consider all EPA comments on permit applications and draft permits. Pursuant to 40 CFR 271.19(d), the Division will satisfy or refute EPA's concerns on a particular permit application, proposed permit modification, or draft permit in writing before issuing the permit or making the modification.

B. EPA PERMITTING

EPA is responsible for issuing permits for those activities of the Program where the Division is not yet authorized, and in Indian country. This includes new permits, permit renewals, and permit modifications.

Upon state authorization of new regulations establishing requirements applicable to permits, EPA will suspend issuance of federal permits for TSDFs for which the state has received authorization. In addition, EPA will offer each TSDF possessing a federal permit the opportunity to request a modification or termination of the federal permit to coincide with the issuance of the state permit.

C. JOINT PERMITTING

As noted in Section II.C., both parties have independent statutory authority to promulgate and administer Program requirements, and both parties retain the

authority to administer at least some of those requirements. Also, there may be situations where Wyoming has promulgated requirements for which the Division has not yet been authorized. These factors may create situations where the two agencies have authorities that apply to the same facility in a manner that is either overlapping (similar or identical requirements that apply to the same TSDF) or mutually exclusive (different requirements that apply to the same TSDF).

Both agencies agree to implement a joint permitting process that addresses those situations where the agencies' authorities to administer the Program at specific TSDFs are either overlapping or mutually exclusive. This process will ensure that the permit function of the Program is administered in an efficient and effective manner, and will be applied on a case-by-case basis in a way that does not undermine the authorities of either agency. EPA will co-sign permits for those TSDFs where it retains authority under HSWA, and will retain that authority until the state obtains authorization for those provisions. Once the state is authorized, it will assume primary administration of those provisions of the permit.

D. EPA OVERVIEW OF STATE PERMITS

EPA has the authority to review and comment on any draft permit being issued, proposed permit modification, or other control (closure plan, post-closure plan, etc.) being imposed by the State, even if EPA commented on the draft or proposed control action previously. On an annual basis, the agencies will identify and discuss general and specific priorities for such review activities.

EPA's comments will be made within forty-five (45) days of receipt of the draft permit. Where EPA indicates in a comment that issuance, modification, reissuance, termination, or denial of the permit would be inconsistent with the approved state Program, EPA shall include in its comments those conditions which the permit would include if it were issued by EPA. In exercising these authorities, EPA will observe the conditions established in 40 CFR 271.19.

The Wyoming Environmental Quality Act allows the Department to approve waivers and variances from any requirement of the Act, including the hazardous waste regulatory requirements. The Department agrees that in implementing these provisions of the Environmental Quality Act, it will not grant waivers or variances which would result in the State's Program being less stringent than the national RCRA program as it is, or would be, implemented by EPA in unauthorized states.

VI. CORRECTIVE ACTION

The corrective action element of the RCRA Program addresses actual and potential releases of hazardous wastes and/or their constituents. Corrective action generally includes site assessment, investigation and remedial action, stabilization, and achievement of environmental indicators.

The RCRA corrective action Program will be conducted in a manner that promotes rapid achievement of cleanups while protecting human health and the environment. To the extent practicable, the Program will:

- embrace flexible, innovative, practical, results-based approaches that focus on protective control of human exposure and contaminated groundwater migration in the short term, with final cleanup being the long term goal;
- provide ready public access to information and meaningful opportunities for public involvement in the cleanup process;
- carefully consider key Program guidance and any updates.

A. STATE CORRECTIVE ACTION

The Division is authorized for the corrective action provisions of HSWA and has the primary role in assuring that corrective action is performed in accordance with state law. The Division reserves its right to implement and enforce the corrective action provisions of the state and federally-authorized Program at all facilities. The Division will use its enforcement authorities and tools, as appropriate, to achieve compliance with corrective action requirements.

The Division agrees to focus resources on those facilities that are in the Corrective Action Baseline Universe or otherwise determined to be high priority. The Division will evaluate activities at the Corrective Action Baseline Universe based on guidance issued by EPA, State statutory requirements and other guidance documents as may be appropriate. The primary focus at those facilities will be progress on corrective action pipeline activities and protection of human health and the environment, particularly when conducting annual planning of workplan objectives.

The Division and EPA agree to pursue and implement streamlining of the corrective action process to reduce the time and effort required to achieve cleanup objectives. The Division and EPA have signed a Memorandum of Understanding regarding facilities entering the Wyoming Voluntary Remediation of Contaminated Sites Program (also known as the Voluntary Remediation Program or VRP) as one means to achieve streamlining of the corrective action process. The Division and EPA will continue to look for opportunities to streamline the procedural and administrative requirements associated with corrective action, while ensuring that Program objectives are achieved.

B. EPA CORRECTIVE ACTION

EPA retains its statutory authority under Sections 3007, 3008, 7003, and 3013 of RCRA, and may independently determine a need to exercise these authorities at facilities in the State of Wyoming. EPA may also use its authorities to directly

manage corrective action at specific facilities in the State of Wyoming when such action is requested by the Division. Where EPA requires corrective action at a facility in Wyoming, other than those located in Indian country, EPA will consider Wyoming law as well as public input as it develops appropriate site-specific activities. EPA will consult with the Division on these facilities, especially at the following key stages of the corrective action process:

1. proposal of initial draft order to the facility;
2. approval of clean up levels; and
3. remedy selection

EPA may inspect EPA-lead facilities for corrective action purposes without prior notice to the Division. The Division retains its authority to inspect these facilities. The Division will provide seven (7) days advance notice to EPA prior to conducting compliance inspections at EPA-lead facilities, except in cases of imminent hazard to human health or the environment or other exigent circumstances, when the Division may shorten or waive the notice period.

VII. COMPLIANCE ASSURANCE

The compliance assurance element of the Program includes the compliance assistance, inspection, and enforcement functions. These functions are performed by both agencies as follows:

A. STATE COMPLIANCE ASSURANCE

The Division, per its authorization, has the primary role in administering the compliance assurance element of the Program. In accordance with 40 CFR 271.15, the Division agrees to carry out a timely and effective program for monitoring compliance by generators, transporters, and facilities.

As part of this Program, the state will conduct inspections to assess compliance with generator and transporter standards (including manifest requirements), facility standards, permit requirements, compliance schedules, and all other Program requirements. Compliance monitoring activities and priorities will be specified in the PPA, and the annual inspection plan, and will be consistent with all applicable federal requirements and with the State's Program Description. Environmental data collection and analysis will be in accordance with the most recent approved Quality Management Plan for Analytical Data for the State of Wyoming which is considered part of this Agreement.

The Division agrees to provide to EPA an annual inspection plan no later than November 15th of each federal fiscal year. The plan will consider the full range of state and federal priorities in the statutes, EPA guidance, and the PPA. The Division will annually inspect all RCRA TSDF facilities which are owned or operated by the

federal government. The Division will give EPA an opportunity to participate in and/or conduct oversight on these inspections.

The Division agrees to take timely and appropriate enforcement action, as defined in EPA's Hazardous Waste Civil Enforcement Response Policy as revised December 2003, against all persons in violation of generator and transporter standards (including manifest requirements), facility standards, permit requirements, compliance schedules, and all other Program requirements, including violations detected by State or Federal compliance inspections. The Division will maintain procedures for receiving and ensuring proper consideration of information about violations submitted by the public or federal compliance inspectors.

The Division agrees to provide EPA with copies of reports and other information resulting from any compliance inspection, including any subsequent enforcement actions, when EPA requests such copies. When the compliance inspection was subject to a physical oversight inspection by EPA, the Division will provide the inspection report within thirty (30) days of its completion. The Division agrees to retain all records for at least three (3) years, unless there is an enforcement action pending. In that case, all records will be retained for three (3) years after all terms of the enforcement action have been fully satisfied.

The Division agrees to provide EPA with a copy of all compliance orders, notices of violation, warning letters, and compliance advisories at the time the documents are transmitted to the violator. The Division agrees to maintain adequate written penalty assessment information and final settlement justification documentation for all final formal enforcement actions. The State will provide the penalty and economic benefit numbers for each count, the total penalty, and the penalty adjusted for voluntary settlement and will provide EPA copies of voluntary settlement penalty calculation sheets for settled cases upon request from EPA.

B. EPA COMPLIANCE ASSURANCE

EPA retains its authority to conduct inspections and bring enforcement actions under Sections 3007, 3008, 3013, and 7003 of RCRA and any other applicable federal statute. EPA may exercise its compliance assurance authorities against any person determined to be in violation of RCRA requirements. Nothing in this Agreement shall restrict EPA's compliance monitoring and enforcement authority.

EPA may take enforcement action under Section 3008 of RCRA against a holder of a state-issued permit on the grounds that the permittee is not complying with a condition of that permit. EPA may also take enforcement action under Section 3008 against a holder of a state-issued permit on the grounds that the permittee is not complying with a condition that EPA, in commenting on that permit application or draft permit, stated was necessary to implement approved state Program requirements, whether or not that condition was included in the final state-issued permit (40 CFR 271.19(e)(2)).

On an annual basis, EPA and the Division will jointly inspect all RCRA TSDFs owned or operated by state or local government. EPA will function as lead for these inspections and will draft, for Division review and joint signature, an inspection report that details all violations under both Wyoming and federal Hazardous Waste regulations.

The following circumstances will generally form the basis for selection of EPA enforcement actions in the State of Wyoming:

- when EPA is requested orally or in writing by the Division;
- when an EPA Order or Consent Decree under RCRA has been violated;
- when EPA has primary authority for enforcement of federal requirements;
- when the Division is not authorized to take action or the Division's authority is limited;
- when the Division fails to take "timely and/or appropriate enforcement action;"
- when the Division has initiated "timely and/or appropriate enforcement action" by referring a case to the Attorney General's office, but the Attorney General's office has not taken the required enforcement action in the required timeframe;
- cases involving issues that could establish legal precedent or in which federal involvement is needed to ensure national consistency;
- cases involving multi-state, multi-regional "national violators;"
- cases involving interstate pollution problems associated with watersheds, air basins, or other geographic units that cross state lines; or
- when EPA needs to conduct inspections under the National Program Guidance, Federal Core Program requirements.

EPA agrees to coordinate with the Division, in non-criminal matters, in carrying out its compliance monitoring and enforcement responsibilities. More specifically, in accordance with 40 CFR 271.8, EPA agrees to:

- provide a basis for and coordinate with the Division in the selection of facilities for EPA inspection;
- normally allow the Division a reasonable opportunity to inspect a facility that EPA has reason to believe is not in compliance before EPA conducts such inspection;
- normally give the Division at least fifteen (15) days notice of the intent to inspect; and invite the Division to participate in EPA inspections; and

- consult with the Division when formulating enforcement actions, where appropriate.

Such communication between the agencies is intended to provide appropriate coverage of the RCRA-regulated universe and to avoid unnecessary duplication of effort. In case of an imminent hazard to human health and the environment or other exigent circumstances, EPA may shorten or waive the fifteen (15) day notice period.

In accordance with 3008(a)(2) of RCRA, EPA will notify the Division prior to issuing a compliance order or bringing an enforcement action under 3008(a). EPA also agrees to provide the Division with copies of reports and other information resulting from any compliance inspection and subsequent enforcement actions within thirty (30) days of their completion. EPA also agrees to provide the Division with a copy of all compliance orders, notices of violation, warning letters, and civil complaints at the time the documents are transmitted to the violator.

C. EMERGENCY SITUATIONS

Either the Division or EPA may take immediate enforcement action to abate any imminent and substantial endangerment to human health or the environment. Any requirements for routine notice prior to inspections or enforcement actions set forth in this Agreement are superseded by the provisions of this section during emergency situations. However, the parties agree to immediately notify, by telephone, the other party when action to abate such imminent hazard is planned or taken. The telephone call will be followed with written confirmation within five (5) working days of the call. (See Section VIII.D. for telephone numbers)

D. OVERSIGHT FOR COMPLIANCE ASSURANCE

The goal of oversight for compliance assurance is to ensure a high quality Program. EPA will evaluate the Division's compliance assurance performance based on the most recent and appropriate state, regional and national regulations, policies, and guidance, including: RCRA inspection and enforcement guidance documents, RCRA civil penalty policies, enforcement response policies, and economic benefit guidance. When evaluating the adequacy of any proposed or collected civil penalty, EPA will use the Wyoming State Statutory penalty maximum. The Division may also deviate from EPA Supplemental Environmental Policy (SEP) with a 1 to 1 dollar penalty offset ratio for SEPs which the Division has evaluated and determined to have sufficient merit or environmental benefit.

On an annual basis, EPA will discuss with the Division the number or percentage of the Division's compliance inspections on which EPA will accompany the Division for oversight purposes. The decision will be documented in the annual workplan agreement.

Additional information on oversight is presented in Section IX of this Agreement.

VIII. INFORMATION MANAGEMENT AND SHARING

This section of the Agreement addresses how the agencies will manage and share information on the status and progress of the Program. The Division and EPA both agree to make information available to each other in accordance with 40 CFR 271.17.

A. STATE

The Division, due to its authorization status, is the primary implementer of the Program, and has many information management and sharing responsibilities. Paramount among the Division's information management and sharing responsibilities are the following:

1. The Division Administrator agrees to inform EPA in advance of any proposed statutory or Program changes which would affect the Division's ability to implement the authorized Program. Program changes of concern include modifications of the Division's legal authorities (i.e., statutes, regulations, and judicial or legislative actions affecting those authorities) and modifications of resource levels (i.e., available or budgeted personnel and funds). The Division recognizes that Program revisions that require EPA's authorization must be made in accordance with the provisions of 40 CFR 271.21.
2. The Division will maintain timely, accurate and complete information in the national electronic database that supports the principal elements of the Program, particularly:
 - facility, unit and area information, including the legal and operating status of all hazardous waste process units;
 - closure, post-closure and operating permit event information;
 - corrective action event and status information, including environmental indicators and supporting documentation; and,
 - compliance monitoring and enforcement information, including all Compliance Monitoring and Enforcement (CM&E) activities.

The Division agrees to enter all such electronic information into the national data base on an on-going basis whenever possible, but by no later than the 20th of the month after the month in which the activity occurred.

3. The Division agrees to submit semi-annual narrative reports detailing its progress towards achieving national Program goals and meeting annual targets as specified in the annual workplan agreement.

4. The Division agrees to assign RCRA identification numbers to all RCRA handlers (generators, transporters, and owners and operators of hazardous waste TSDFs) submitting notifications to the Division or to EPA. An exception to this requirement is that EPA will work with the Division to assign RCRA identification numbers for any handlers located in Indian country.
5. The Division will submit the following information relating to permits and closure:
 - copies of each draft or final decision regarding variances, waivers, or delisting petitions, to be sent at the time the request is granted or denied;
 - all facility permit applications, revisions and additions, to be sent within fifteen (15) working days of receipt by the Division;
 - draft permits, proposed permit modifications, and public notices, to be sent within fifteen (15) working days of completion (i.e., transmittal to the applicant);
 - final permit or permit modifications, to be sent within five (5) working days of completion; and,
 - copies of all interim status closure/post-closure plans, to be sent by the Division to EPA at the time of public notice.
6. The Division will submit copies of supporting documentation for all environmental indicator determinations.
7. The Division will provide compliance assurance information as detailed in Section VII.A. of this Agreement.
8. The Division will submit a copy of the Wyoming biennial report summarization by October 1st of each even numbered year.
9. The Division agrees to promptly notify EPA of any significant changes made to its training plan.
10. The Division agrees to either provide or allow EPA to review at the Division office, any pertinent information requested by the Regional Administrator or his or her designee as necessary for EPA to carry out its oversight responsibilities.

B. EPA

EPA's primary role in information sharing is to provide the Division with timely and useful information to enhance the State of Wyoming Program.

1. EPA will keep the Division informed in a timely manner of the content and meaning of federal statutes, regulations, guidelines, standards, policy decisions, directives, or other factors that affect the Program. EPA will provide general and specific technical assistance to the Division. EPA will provide the Division with any national EPA reports developed regarding hazardous waste management.
2. EPA agrees to provide training and technical assistance in the operation and maintenance of the national database.
3. Under the joint permitting process (Section V.C.) EPA agrees to provide the Division with the following within five (5) working days of receipt or completion by EPA:
 - any Part A or Part B permit applications, and any necessary supporting information, whether received prior to or subsequent to the effective date of this Agreement;
 - copies of draft and final permits, permit modifications, and public notices; and,
 - notices of permit denials.
4. EPA agrees to make compliance assurance information, as provided in Section VII.B. of this Agreement, available to the Division.
5. EPA will forward delisting petitions from persons or companies operating in the State of Wyoming to the Division within ten (10) days of receipt by EPA.
6. EPA will forward notification information submitted by persons or companies in the State of Wyoming who file such forms. This information will be submitted to the Division within ten (10) days of receipt by EPA.
7. EPA will make available to the Division, within thirty (30) days of receipt of a request from the Division, other relevant and available information needed by the Division to implement its approved Program. Information provided to the Division will be subject to the terms of Wyoming Statutes 35-11-1101 and 16-4-201 et seq, Chapter 1 Section 4 of the Hazardous Waste Rules and Regulations and any relevant federal statutes.

C. AVAILABILITY AND CONFIDENTIALITY OF INFORMATION

The following provisions apply to the availability and confidentiality of Program information:

1. Availability of Information to the Public

The Division agrees to make information available to the public in accordance with Wyoming Statutes 35-11-1101 and 16-4-201 et seq, and Chapter 1 Section 4 of the Hazardous Waste Rules and Regulations.

EPA agrees to make information available to the public in accordance with federal requirements at 40 CFR part 2.

2. Confidentiality

STATE

If information has been submitted to the Division under a claim of confidentiality, the Division must note that claim to EPA when providing the information.

Any information obtained from EPA that is subject to a claim of confidentiality will be treated in accordance with Wyoming Statutes 35-11-1101 and 16-4-201 et seq.

EPA

If information has been submitted to EPA under a claim of confidentiality, EPA must note that claim to the Division when providing the information, and will transfer that information in accordance with the requirements of 40 CFR part 2. EPA will notify the affected companies when such information is sent to the state.

Any information obtained from the State of Wyoming and subject to a claim of confidentiality will be treated in accordance with the regulations in 40 CFR part 2.

D. SPECIAL SITUATIONS

The following information sharing provisions apply to special situations:

1. Emergency Situations

Upon receipt of any information that the handling, storage, treatment, transportation, or disposal of hazardous waste is endangering human health or

the environment, the party in receipt of such information shall immediately notify by telephone the other party to this Agreement of the existence of such situation. The Department should be notified by contacting the Solid and Hazardous Waste Division, during normal business hours, at 307-777-7752. Emergency reports during other than normal business hours should be made to 307-777-7781. Emergency reports may be made to EPA's Region 8 24-hour response hotline at 303-293-1788. The National Response Center may also be contacted any time, at 1-800-424-8802. EPA's Solid and Hazardous Waste Program at 303-312-6421 or the Technical Enforcement Program at 303-312-6393 may be contacted during normal business hours.

2. Site Visits to Support the National RCRA Program

EPA sometimes has need of site-specific information to fulfill its duties in developing and managing the national RCRA Program. Whenever EPA determines that it needs to obtain certain information relating to hazardous waste management in the State of Wyoming, EPA will first seek to gain this information from the Division. The Division agrees to supply EPA with this information, if readily available and as resources allow. If the Division is unable to provide the information or if it is necessary to supplement the information, EPA may conduct a special survey or perform information collection site visits after notifying the Division and providing the Division the opportunity to accompany EPA personnel on such visits. EPA will share with the Division the data collected and any national reports developed by EPA resulting from the information collected.

IX. PROGRAM REVIEW, OVERSIGHT

EPA will assess the Division's administration and enforcement of the Program on a continuing basis for equivalence and consistency with RCRA, this Agreement, and all federal Program requirements. The purpose of this oversight assessment is to:

- ensure full execution of the requirements of the Program as authorized;
- ensure that RCRA 3011 grant funds are spent appropriately;
- promote national standards as the minimum in implementation of the Program;
- allow EPA to report to the President and Congress; and
- encourage the state and EPA to coordinate on desirable technical support and targets for joint efforts.

EPA will conduct this assessment through review of information submitted by the Division in accordance with this Agreement and the state grant requirements, and through review of the Division's Program activities as described in the PPA. EPA may also consider, as part of this assessment, written comments about the Division's Program administration that are received from regulated persons, the public, and federal, state, and local agencies. Copies of any such

comments received by EPA will be provided to the Division Administrator or his designee as soon as possible.


To ensure an effective Program review, the Division's Administrator agrees to allow EPA access, without restriction, to any information obtained or used in the administration of the state Program. EPA oversight file reviews shall be scheduled at reasonable intervals, with two weeks notice generally given prior to an oversight file review.

Program review meetings between the Director, Division Administrator, and the Regional Administrator or their designees will be scheduled at least annually to review operating procedures and schedules, to resolve problems, to discuss mutual Program concerns, and to review Program needs for the upcoming year. These meetings will be scheduled at least thirty (30) days in advance unless otherwise agreed. A tentative agenda for the meeting will be prepared by EPA and provided to the Division's Administrator fifteen (15) days in advance of the meeting.

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X. SIGNATURES

STATE OF WYOMING
DEPARTMENT OF ENVIRONMENTAL QUALITY



John V. Corra
Director

Date: 12/15/10



Carl Anderson, PhD., Administrator
Solid & Hazardous Waste Division

Date: 12/10/10

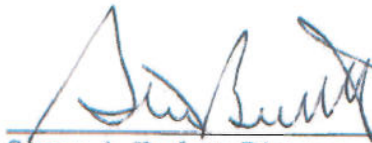
U.S. ENVIRONMENTAL PROTECTION AGENCY
Signatures Found on the Next Page

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION VIII



Kelsey Lind, Director
Technical Enforcement Program
Office of Enforcement, Compliance,
and Environmental Justice

Date: 2/7/11



Steven A. Burkett, Director
Solid and Hazardous Waste Program
Office of Partnerships and Regulatory Assistance

Date: 2/9/11



James B. Martin
Regional Administrator

Date: 4/7/11